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APR 05 2004 MR RECEIVED  
APR 05 2004  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
BY WESTERN DISTRICT OF WASHINGTON DEPUTY  
LANE POWELL SPEARS LUBERSKY LLP  
ATTY \_\_\_\_\_  
TIME \_\_\_\_\_

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
SEATTLE DIVISION

SKY MORTGAGE, INC., a Washington  
corporation,

Plaintiff,

vs.

SKY BANK, INC., a Washington corporation;  
SCOTT RERUCHA; TONY ICASIANO, and  
JEFFERY LOW, individuals

Defendants.

No. CO4 0289 P

SECOND DECLARATION OF  
GREG SCHMIDT



04-CV-00289-MISC

Greg Schmidt states and declares under penalty of perjury and upon his personal  
testimonial knowledge that the following is true and accurate to the best of his  
knowledge:

1. At the request of Kevin MacPherson and the attorney's for Sky Mortgage, I  
signed a declaration in this case dated March 11, 2004. At the request of Scott  
Rerucha and the attorneys for Sky Bank, I have reviewed the March 11<sup>th</sup> declaration  
that I signed and believe that as written, it is inaccurate and needs clarification to be  
accurate.

SECOND DECLARATION OF GREG  
SCHMIDT - PAGE 1

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#23378.003

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ORIGINAL

2. In paragraph 3 of my March 11<sup>th</sup> Declaration, I believe my conversation with Scott Rerucha has not been accurately described, probably because of miscommunication between myself and the attorneys for Sky Mortgage.

3. Paragraph 4 also is inaccurate as written.

4. The accurate recount of the conversation I had with Scott Rerucha is almost identical to the following which I have put in script format:

Greg:	Scott, I understand you are setting up a bank named Sky Bank, did you know that there is a Sky Mortgage? I have called on them several times for their title business.
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Scott:	That is the first I have heard of a Sky Mortgage. Maybe they can work with me or we can work together.
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5. Scott said nothing about not having finalized his name yet.

6. As far as paragraph 4 of my declaration is concerned, I do not recall when the conversation took place between myself and Scott Rerucha, and I specifically do not recall that it took place within a month of the time that Scott Rerucha left Bay Bank. I simply do not know when the conversation took place at all. I call on so many people in my business that it is impossible for me to recall dates and times and I generally do not keep a diary or other schedule of my visits since I make so many during a day in my role as marketing representative for a title company.

DATED this 24 day of March, 2004 at Seattle, Washington

Greg Schmidt

**SECOND DECLARATION OF GREG SCHMIDT - PAGE 2**

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